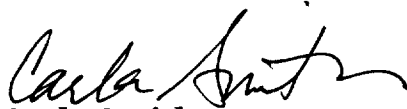


AN ORDINANCE

BY: Councilperson Carla Smith



06-0-2049

AN ORDINANCE TO AMEND ORDINANCE 06-O-1060 TO AMEND THE LOCATION OF THE WALKING PAT; TO PROVIDE ACCESS TO THE DEVELOPER IN THE AREA BEHIND THE FENCE FOR THE PURPOSE OF GRADING; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 06-o-1060 was adopted by Council June 5, 2006 and approved by the Mayor on June 9, 2006; and

WHEREAS, the developer and City has become aware of potential issues in placing the trail inside the twelve foot piece of land being sold to the City; and

WHEREAS, the developer needs access to the land being donated to the City for the purposes of grading the property and has agreed to indemnify the City for any and all work in the area; and

WHEREAS, the path and the grading of the property will be a benefit to the City and the community.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1. That Section 5 of Ordinance 06-O-1060 is hereby amended to read as follows:

"SECTIONS 5: The developer will install a walking trail to be placed within or abutting the twelve foot (12') strip which the City is purchasing for monitoring purposes."

Section 2. That Section 6 of Ordinance 06-O-1060 is hereby amended to read as follows:

"SECTION 6: The Chief Procure Officer is authorized to accept as a donation property within the City's fence surrounding the chlorination plant, within which the developer will be allowed to grade at his expense and holding the City harmless from any damages caused thereby in connection with his adjacent development."

Section 3. All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

06-O-1060

BY COUNCILMEMBER CARLA SMITH

AS SUBSTITUTED AND AMENDED BY CITY UTILITIES

AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE A TWELVE FOOT (12') STRIP OF LAND ALONG THE REAR PROPERTY LINE OF 1144 AND 1200 AVONDALE AVENUE, LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO REDUCE THE DISTANCE REQUIREMENT OF CITY CODE SECTION 74-303(b) FROM 75 FEET TO 50 FEET AND WAIVE VARIANCE PROCEDURES IN SECTIONS 74-306 THROUGH 74-313 AS APPLIED TO THIS PROPERTY; TO ACCEPT THE DONATION OF LAND ABUTTING THE CITY OF ATLANTA CHLORINATION FACILITY; AND FOR OTHER PURPOSES;

WHEREAS, the property parcels located at 1144 and 1200 Avondale Avenue, lying and being in land lot 23 of the 14th District, Fulton County, Georgia (the "Property") is zoned O-I and owned by Urban Forest Investments, LLC ("owner"); and

WHEREAS, the Property abuts the Atlanta East Confederate Avenue Municipal Solid Waste Landfill [Permit Number 060-057D(L)] which is owned, operated and maintained by the City of Atlanta ("City"), and is located on East Confederate Avenue; and

WHEREAS, the City is required to conduct post-closure care pursuant to the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* and the rules and regulations promulgated thereunder; and

WHEREAS, on December 28, 2000, the Georgia Environmental Protection Division, Department of Natural Resources ("EPD") approved closure and post closure plans for the Atlanta East Confederate Avenue Municipal Solid Waste Landfill that included groundwater and methane monitoring plans that require the City to monitor for methane gas and potential groundwater contamination and EPD requested that the City monitor in additional locations; and

WHEREAS, the property owner has agreed to sell to the city a twelve foot (12') strip of land on the rear of the Property to allow for additional methane and groundwater monitoring to ensure no contamination migrates from the landfill; and

WHEREAS, the City built a chlorine injection facility north of the Property, a portion of the project was built across property lines; and

WHEREAS, the landfill and Property are separated by a stream that meets the definition of waters of the state, requiring the property owner to meet the 75 foot riparian buffer under the City's Riparian Buffer Ordinance; and



WHEREAS, to provide the amenities the community and developer envision and in exchange for the donation of land upon which the City has encroached a reduction in the setback requirement is necessary; and

WHEREAS, the developer has agreed to provide the 12 foot buffer to the City for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 with the remaining portion as a donation to the city; and

WHEREAS, based on the particular circumstances associated with this property and the abutting City facility it is in the best interest of the City to reduce the setback requirements, obtain the strip of land and accept the donation of land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That the Chief Procurement Officer is authorized to acquire the twelve foot (12') foot strip of land needed by the Department of Public Works for monitoring purposes associated with the Atlanta East Confederate Avenue Municipal Solid Waste Landfill where such monitoring wells will have their tops at grade.

SECTION 2: The Chief Procurement Officer is authorized to obtain a title report, an appraisal and a land survey of the twelve foot (12') strip of land and land that is proposed to be donated to the City.

SECTION 3: That the Chief Procurement Officer shall have an appraisal review done to determine if the appraisal attached as Exhibit "A" is a fair and reasonable representation of the value of the land. If said appraisal is determined to be fair the Chief Procurement Officer may accept the owner's appraisal.

SECTION 4: The 75 foot buffer requirement of City Code Section 74-303-(b) as applied to this Property is reduced to 50 feet to be measured from the sides of the base flow within the channel which is approximately 3 feet on either side of the centerline of the channel and variance procedures in Sections 74-306 through 74-313 are waived as applied to this Property.

SECTION 5: The developer will install a walking trail to be placed within the twelve foot (12') strip which the City is purchasing for monitoring purposes.

SECTION 6: That the Chief Procurement Officer is authorized to accept as a donation property within the City's fence surrounding the chlorination plant.

SECTION 7: That the Chief Procurement Officer is authorized to purchase the twelve foot (12') strip of property for a price not to exceed one-half the fair market value and in no case in an amount in excess of \$135,000.00 and is authorized to accept as a donation one-half the amount of the twelve foot (12') buffer area as depicted on Exhibit "B".



SECTION 8: That the reduction in the setback shall not take effect until the City receives the claim deeds to both the twelve foot (12') piece of land needed for monitoring purposes and the property located inside the fence surrounding the abutting chlorination plant;

SECTION 9: That no additional variance or waiver will be needed to build the walking trail or grade the property for the installation of the monitoring wells or improve the Storm Water Management of the property in an effort to stem the erosion problems caused by the current slope.

SECTION 10: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict for the purposes of this ordinance only.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUN 05, 2006
JUN 09, 2006

RCS# 271
6/05/06
2:57 PM

Atlanta City Council

REGULAR SESSION

CONSENT I CONSENT I PG(S) 8-24 EXCEPT 06-R-1151

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

		06-05-06 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 06-O-0816	40. 06-R-1078	74. 06-R-1112
2. 06-O-1061	41. 06-R-1079	75. 06-R-1113
3. 06-O-0929	42. 06-R-1080	76. 06-R-1114
4. 06-O-1046	43. 06-R-1081	77. 06-R-1115
5. 06-O-1055	44. 06-R-1082	78. 06-R-1116
6. 06-O-1060	45. 06-R-1083	79. 06-R-1117
7. 06-O-1065	46. 06-R-1084	80. 06-R-1118
8. 06-O-0989	47. 06-R-1085	81. 06-R-1119
9. 06-O-1029	48. 06-R-1086	82. 06-R-1120
10. 06-O-1058	49. 06-R-1087	83. 06-R-1121
11. 06-R-1062	50. 06-R-1088	84. 06-R-1122
12. 06-R-1063	51. 06-R-1089	85. 06-R-1123
13. 06-R-1064	52. 06-R-1090	86. 06-R-1124
14. 06-R-1155	53. 06-R-1091	87. 06-R-1125
15. 06-R-1156	54. 06-R-1092	88. 06-R-1126
16. 06-R-0907	55. 06-R-1093	89. 06-R-1127
17. 06-R-1059	56. 06-R-1094	90. 06-R-1128
18. 06-R-1152	57. 06-R-1095	91. 06-R-1129
19. 06-R-1153	58. 06-R-1096	92. 06-R-1130
20. 06-R-1173	59. 06-R-1097	93. 06-R-1131
21. 06-R-1175	Items Adversed	94. 06-R-1132
22. 06-R-1176	On Consent	95. 06-R-1133
23. 06-R-1143	60. 06-R-1098	96. 06-R-1134
24. 06-R-1144	61. 06-R-1099	97. 06-R-1135
25. 06-R-1145	62. 06-R-1100	98. 06-R-1136
26. 06-R-1146	63. 06-R-1101	99. 06-R-1137
27. 06-R-1147	64. 06-R-1102	100. 06-R-1138
28. 06-R-1148	65. 06-R-1103	
29. 06-R-1149	66. 06-R-1104	
30. 06-R-1150	67. 06-R-1105	
31. 06-R-1198	68. 06-R-1106	
32. 06-R-1199	69. 06-R-1107	
33. 06-R-1200	70. 06-R-1108	
34. 06-R-1201	71. 06-R-1109	
35. 06-R-1202	72. 06-R-1110	
36. 06-R-1164	73. 06-R-1111	
37. 06-R-1165		
38. 06-R-1166		
39. 06-R-1169		

06-0-1060

(Do Not Write Above This Line)

AN ORDINANCE

06-0-

BY COUNCILMEMBER CARLA SMITH

AN ORDINANCE AUTHORIZING THE PURCHASE OF A TWELVE FOOT (12') STRIP OF LAND ALONG THE REAR PROPERTY LINE OF 1144 AND 1200 AVONDALE AVENUE, LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO REDUCE THE DISTANCE REQUIREMENT OF CITY CODE SECTION 74-303(b) FROM 75 FEET TO 50 FEET AND WAIVE VARIANCE PROCEDURES IN SECTIONS 74-306 THROUGH 74-313 AS APPLIED TO THIS PROPERTY; TO ACCEPT THE DONATION OF LAND ABUTTING THE CITY OF ATLANTA CHLORINATION FACILITY AND FOR OTHER PURPOSES;

~~SUBSTITUTE~~ AS AMENDED

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 5/15/06
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date _____

Chair _____

Fav, Adv, Hold (see rev. side)

Action _____

Other _____

Members _____

Fav, Adv, Hold (see rev. side)

Action _____

Other _____

Members _____

Refer To _____

Chair _____

Date _____

Committee

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

ADOPTED BY

JUN 0 5 2006

COUNCIL

Refer To

CERTIFIED

- FINAL COUNCIL ACTION
- ☒ 2nd
 - ☐ 1st & 2nd
 - ☐ 3rd
- Readings
- ☐ Consent
 - ☐ V Vote
 - ☒ RC Vote

JUN 0 5 2006

CERTIFIED

JUN 0 5 2006

MAYOR'S ACTION

MAYOR

JUN 0 5 2006

APPROVED

RECEIVED
FULTON COUNTY
SEP 21 2005

OFFICE OF THE CLERK
FULTON COUNTY, GEORGIA

**COMPLETE APPRAISAL IN A
SELF-CONTAINED REPORT
4.507 ACRES OF VACANT LAND**

Avondale Avenue Condominium Site
1144 Avondale Ave
Atlanta, Fulton County, Georgia 30312

PREPARED FOR:

Mr. Adam Trammell
Senior Review Appraiser
Regions Bank
303 Jesse Jewell Parkway, Suite 200
Gainesville, Georgia 30501

EFFECTIVE DATE OF THE APPRAISAL:

September 17, 2005

KOWALCZYK & Co.

File Number: 05-0008.00

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW